

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

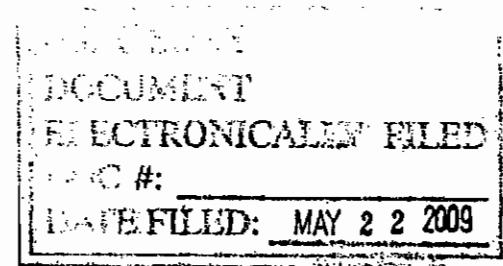
DAVID MALAVOLTA,

Plaintiff,

-v-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.



No. 08 Civ. 6528 (LTS)(KNF)

LAURA TAYLOR SWAIN, United States District Judge

**ORDER ADOPTING REPORT & RECOMMENDATION**

The Court has reviewed Magistrate Judge Fox's April 23, 2009, Report and Recommendation (the "Report") which recommends that the Commissioner of Social Security's ("Defendant") motion for summary judgment be granted. No objections to the Report have been received.

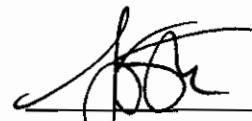
In reviewing a report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C.A. § 636(b)(1)(C) (West 1993). "In a case such as this one, where no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Johnson v. New York University School of Education, No. 00 Civ. 8117, at \*1, 2003 WL 21433443 (S.D.N.Y. June 16, 2003).

The Court has reviewed carefully Magistrate Judge Fox's thorough Report and Recommendation and finds no clear error. The Court therefore adopts the Report in its entirety for the reasons stated therein. Accordingly, Defendant's motion for summary judgment is

granted. The Clerk of Court is respectfully requested to terminate Docket Entry No. 7, enter judgment dismissing the complaint, and close this case.

SO ORDERED.

Dated: New York, New York  
May 22, 2009



---

LAURA TAYLOR SWAIN  
United States District Judge